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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,085	09/08/2003	Paul J. Waszkowski	28679/04589	2084
24024	7590	07/25/2005	EXAMINER	
CALFEE HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114			LAI, ANNE VIET NGA	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,085

Applicant(s)

WASZKOWSKI, PAUL J.

Examiner

Anne V. Lai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-15 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,10-13,15,17-21 and 23 is/are rejected.
- 7) ☒ Claim(s) 7,14,22 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8, 15 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by **Politz et al** [US. 5,900,803].

In claim 1, 8, 15 and 23, **Politz et al** disclose a mileage communication system for vehicle trailer comprising a data processing unit 7 calculating and storing mileage covered by a trailer from data input of wheel rotation sensors; the system responsive to a request from a transceiver station 1 sending the mileage data in pulse sequence from data memory of the processing unit to a transponder 6 for output in pulse sequence ON-OFF signal (data producing unit 7 includes ABS, mileage meter and memory; fig. 1; col. 3, lines 26-33, lines 51-55; col. 2, lines 10-15; the cumulative mileage is inherent since the mileage output is covered by the whole trip of the trailer including the moment of run or stop).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-6, 11-13, 17, 19-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Politz et al** [US. 5,900,803] in view of **Fogg et al** [US. 5,337,236] and further in view of **Horie** [US. 5,748,076].

In claim 4-5, 11-12, 17, 19-20 and 21, **Politz et al** do not disclose visual output, **Fogg et al** teach cumulative mileage can be computed by a processor in the vehicle from input data of wheel rotation sensors and output to a visual display (fig. 2; claim 8); and **Horie** teaches that in a vehicle diagnostic mode, a single lamp to output numerical value in ON-OFF signal can be used for reducing cost and occupying area of a combination display (abstract; figs. 1-2; col. 3, lines 20-32). It would have been obvious to any one having ordinary skill in the art at the time the invention was made the type of output used for communicate information is based on particular mode of applications; in ordinary user mode, a sophisticated display is preferred for its easy perceptible numeral value; in diagnostic mode a strobe pulse ON-OFF signal may be selected for its small size to reduce cost and space.

In claims 6, 13 and 21, **Horie** teaches audible output (col. 3, lines 5-6).

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Politz et al**, **Fogg et al**, **Horie** and **Serp** [US. 4,292,624].

In claim 17, **Horie** teaches the strobe signal output in a series of pulses representing numeral 1 to 4 (col. 3, lines 20-32) however silent to the strobe signal output of the encoded numeral zero. **Serp** teaches Morse code represent the numeral zero by five dashes or nine bits for strobe output (col. 2, lines 24-41). It would have been obvious to any one having ordinary skill in the art at the time the invention was

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made any encoded numeral can be represented by a conventional pulse pattern for reproducing later the numeral value, the well known Morse code for numeral zero is an example.

6. Claims 3, 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Politz et al**, **Fogg et al**, **Horie** in view of **Serp** or **Chang et al** [US. 5,602,563].

In claims 3, 10 and 18, **Politz et al**, **Fogg et al** and **Horie** do not disclose truncating the value prior to generating code; **Serp** teaches an abbreviated code for numeral zero which is the longest of the ten Morse code digits (col. 2, lines 24-41); **Chang et al** teach truncating some part of the data to be displayed if the output fields is insufficient long (figs. 4-7). The general idea here is to adapt the length (in time or in space) of the data output to the capability of the output device; if the mileage value for example 10024.8888 miles is to be output by a single flashing lamp, it would have been obvious in common sense that at least some decimal or some digits may need to be truncated for saving time reading out the numeral value.

Allowable Subject Matter

7. Claims 7, 14, 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with respect to claims 1-6, 8-13, 15-21 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Harrington et al, paragraph [0029] discloses telemetry communication of mileage data and blink out the telemetry data. [US. 2004/0249557]

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 8:00 am to 5:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


A. V. Lai
July 22, 2005


JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
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